

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALISADES ESTATES EOM, LLC, NEWBURGH EOM LLC d/b/a
CROSSROADS HOTEL, RATAN NEWBURGH LLC d/b/a RAMADA
by WYNDHAM, SOUTH ROAD HOSPITALITY, LLC, HUDSON
CONFERENCE CENTER, LLC, ROUTE 9 HOTEL LLC, SAI RAM
MANAGEMENT LLC, SANDIP PATEL, RAPID RELIABLE TESTING
NY LLC, AIMS NEWBURGH MANAGEMENT LLC, AIMS
ORANGEBURGH MANAGEMENT LLC, CWP SYRACUSE I LLC,
and ES ALBANY LLC,

Plaintiffs,

v.

COUNTY OF ROCKLAND, et al.,

Defendants.

Case No. 7:23-cv-04215

**AFFIDAVIT OF
SANDIP PATEL
IN SUPPORT OF
MOTION FOR A
PRELIMINARY
INJUNCTION**

STATE OF FLORIDA)
)
COUNTY OF BROWARD) ss.:

SANDIP PATEL, being duly sworn, deposes and says:

1. I am a member of the operator of Route 9 Hotel LLC d/b/a the Red Roof Inn 394 (the “Red Roof Inn”), and of Sai Ram Management LLC d/b/a the Holiday Inn (the “Holiday Inn,” and together with the Red Roof Inn, the “Hotels”), located in Poughkeepsie, New York (in Dutchess County). I have personal knowledge of the facts and circumstances set forth herein and submit this affidavit in support of Plaintiffs’ motion for a preliminary injunction.

2. I have been a member of the operator of the Red Roof Inn since May 2014 and a member of the operator of the Holiday Inn since December 2014. The Red Roof Inn has been in continuous operation as a hotel since March 2015, and the Holiday Inn has been in continuous operation as a hotel since January 2021.

A. The Hotels Agree to Accommodate Asylum Refugees

3. The Hotels have agreed to rent rooms to temporarily accommodate migrants and asylum seekers (together, “Asylum Refugees”) as part of an arrangement with the City of New York. As part of this arrangement, the City of New York agreed to rent rooms and provide food, laundry, and a full array of medical and social services for the Asylum Refugees staying at the Hotels.

4. The Red Roof Inn welcomed 88 Asylum Refugees before Dutchess County began taking steps to prevent the Hotels from providing accommodations to Asylum Refugees. No Asylum Refugees are or have been at the Holiday Inn.

B. Dutchess County Acts to Exclude Asylum Refugees

5. After the Hotels agreed to accommodate Asylum Refugees, the Dutchess County Executive declared a State of Emergency and issued Dutchess County Executive Order No. 5 of 2023 (the “Dutchess Executive Order”) on or about May 18, 2023. A copy of the Dutchess Executive Order is annexed to the accompanying declaration of Todd E. Soloway as Exhibit I.

6. It is my understanding that the Dutchess Executive Order prohibits “hotels, motels, or other short-term rentals” from acting as “an emergency shelter, homeless shelter, rooming house, or other long-term overnight shelter,” and calls out “the owner of the Red Roof Inn” for being “in negotiation with the City of New York for the arrival of migrants and/or asylum seekers.”

7. I further understand the Dutchess Executive Order calls on “city, town and village law enforcement, building code enforcement officers, fire departments, public health inspectors, and zoning code enforcement personnel ... to effectuate ... the Executive Order” and provides it will bar Asylum Refugees from entering its communities and be implemented “through the enforcement of local sanitary code, zoning code, and building code” pursuant to which “migrants

and/or asylum seekers may face refusal, removal, or eviction from hotels, motels, or short term rentals converted into emergency shelters, homeless shelters, or rooming houses.”

C. Dutchess County and the Town of Poughkeepsie Commence Litigation Against the Hotels to Prevent Them from Accommodating Asylum Refugees

8. On or about May 19, 2023, Dutchess County, county officials, and related entities commenced a legal action in the Supreme Court, Dutchess County, against Route 9 Hotel LLC (the Red Roof Inn) and Sai Ram Management LLC (the Holiday Inn), among other parties, captioned *County of Dutchess, et al. v. City of New York, et al.*, Index No. 2023-51697. In that action, Dutchess County alleges, *inter alia*, that the Hotels’ agreements to accommodate Asylum Refugees violate the Dutchess Executive Order, and under their agreement, the Hotels would be unlawfully operating as “shelter[s] for non-transient guests” and breaching local laws.

9. On or about May 23, 2023, the Dutchess County Supreme Court issued a temporary restraining order enjoining the Hotels from accommodating Asylum Refugees. On or about August 4, 2023, the court granted a preliminary injunction, precluding the Hotels from accommodating Asylum Refugees pending further order of that court.

10. Also on or about May 19, 2023, the Town of Poughkeepsie commenced a legal action in that same court against South Road Hospitality (the Red Roof Inn), Hudson Conference Center LLC (the Holiday Inn), and me in my individual capacity, captioned *Town of Poughkeepsie v. South Road Hospitality, LLC, et al.*, Index No. 2023-51688. In that action, Poughkeepsie cites to and relies on the Dutchess Executive Order, and alleges, *inter alia*, that the Hotels’ agreement to accommodate Asylum Refugees violates the Town of Poughkeepsie Code. That case was removed to federal court on May 22, 2023, before the court could issue a decision on Poughkeepsie’s motion for a preliminary injunction and request for a temporary restraining order.

D. The Hotels are Prevented from Making Rooms Available to Asylum Refugees

11. As a result of the Dutchess Executive Order and orders of the Dutchess County Supreme Court, the Red Roof Inn has not been able to make rooms available to any additional Asylum Refugees, and the Holiday Inn has not been able to make rooms available to any Asylum Refugees.

WHEREFORE, it is respectfully requested that the Court grant the motion in its entirety, along with such other and further relief as is just and proper.



SANDIP PATEL

UNIFORM, ALL PURPOSE CERTIFICATE OF ACKNOWLEDGEMENT

Florida
STATE OF ~~NEW JERSEY~~)
~~NEW JERSEY~~)
COUNTY OF ~~MIDDLESEX~~)
Broward

08/07/2023

ss.: Notarized online using audio-video communication

On the 7th day of August, 2023, before me, the undersigned, personally appeared SANDIP PATEL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.





NOTARY PUBLIC
Raymond D Stonecipher